

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XU LI, and BRIGHT LIFE
INTERNATIONAL INC.,

Plaintiff,

v.

ALEJANDRO MAYORKAS and UR
MENDOZA JADDOU,

CASE NO. 2:23-cv-1931 MJP

ORDER GRANTING STIPULATED
MOTION TO HOLD CASE IN
ABEYANCE

Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to continue to stay these proceedings for 120 days. Plaintiffs bring this litigation pursuant to the Administrative Procedure Act to challenge U.S. Citizenship and Immigration Services (“USCIS”) denial of the Form I-140 filed on Plaintiff Xu Li’s behalf as erroneous, arbitrary and capricious and contrary to law. For good cause, the parties request that this case be stayed through August 20, 2024.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
5 P. 1.

6 With additional time, this litigation may be resolved in its entirety. Plaintiffs intend to file
7 a new Form I-140, Petition for Alien Worker, using premium processing that allows USCIS to
8 process the application within a 45-day processing timeframe.¹ USCIS will consider this new
9 application separately from the Form I-140 at issue in this litigation. Once USCIS issues a
10 decision, Plaintiffs agree to voluntarily dismiss this litigation.

11 Additional time is required to allow these steps to be completed. Therefore, the parties
12 believe good cause exists to stay this proceeding for 120 days, to save the parties and the Court
13 from spending unnecessary time and judicial resources on this matter. Accordingly, the parties
14 jointly stipulate and request that the Court stay these proceedings through August 20, 2024. The
15 parties will submit a joint status report on or before August 20, 2024. The parties further request
16 that this Court’s Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement be
17 vacated. Dkt. No. 14.

18 DATED this 22nd day of April, 2024.

19
20 Respectfully submitted,
TESSA M. GORMAN
United States Attorney

21 s/ Michelle R. Lambert
22 MICHELLE R. LAMBERT, NYS #4666657

23 ¹ See USCIS.gov, How Do I Request Premium Processing? available at [https://www.uscis.gov/forms/all-forms/how-](https://www.uscis.gov/forms/all-forms/how-do-i-request-premium-processing)
24 [do-i-request-premium-processing](https://www.uscis.gov/forms/all-forms/how-do-i-request-premium-processing) (last accessed Apr. 22, 2024)

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*I certify that this memorandum contains 338 words,
in compliance with the Local Civil Rules.*

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ORDER

The Parties having stipulated and agreed, it is hereby ORDERED that this proceeding is stayed until August 20, 2024, wherein the Parties will file on or before August 20, 2024 a Joint Status Report with this Court in conformity with this Stipulation. The current Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. No. 14) is vacated.

The clerk is ordered to provide copies of this order to all counsel.

Dated April 24, 2024.



Marsha J. Pechman
United States Senior District Judge